

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	07/05/19
Planning Development Manager authorisation:	AN	7/5/19
Admin checks / despatch completed	AP	8/5/19

*WAL*

**Application:** 19/00423/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mrs Joyce Sihwa

**Address:** The Haven Residential Home 27 Penfold Road Clacton On Sea

**Development:** Proposed second floor rear extension (to form additional bedroom) and velux rooflight within existing roof.

### 1. Town / Parish Council

Clacton – Non Parished.

### 2. Consultation Responses

Building Control and Access Officer                      No comments at this stage.

NHS East Essex CCG                      Thank you for consulting NEE CCG on the above-mentioned planning application.

Please note that we do not wish to respond to this application due to the very low impact on increased population.

### 3. Planning History

N/A

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL8 Conservation Areas

SPL3 Sustainable Design

## **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal**

### **Site Description**

The application site is The Haven Residential Home, which is located at Number 27 Penfold Road within Clacton-on-Sea. The building, which is located to the north-western edge of Penfold Road, is currently of a part two storey, part three storey design. The terraced property is largely in-keeping with the character of the surrounding area, which sees a number of residential and commercial properties. The site also falls within the Settlement Development Boundary of Clacton-on-Sea within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. Approximately 100m to the south-east is the Clacton-on-Sea Conservation Area, and to the north is the town centre for Clacton-on-Sea.

### **Description of Proposal**

This application seeks planning permission for the erection of a second floor rear extension, which is to serve as an additional bedroom. The extension will measure 3m in height, 4.4m width and 4.5m depth.

### **Assessment**

#### **1. Visual Impact**

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed extension is to be located to the rear of the property. Typically this would ensure that the works' visual impacts are limited. However, it is acknowledged the proposal is also visible from

views from Jackson Road to the west given the space surrounding 'Tamarisk'. While the extension would be visible, given the building is currently three storeys, as are adjacent properties, there is no principle objection. Further, the proposed design and materials of the extension is in-keeping with the surrounding properties. Therefore, there is no visual harm identified as a result of the proposed development.

## 2. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

There are adjacent properties located to both the north-west and south-east who have the potential to be impacted as a result of the proposed extension. However, it is noted that both of these adjacent properties are also three storeys and have a similar depth to that being proposed, which will ensure no significant loss of light or the extension appearing imposing. In terms of overlooking, views from the bedroom serving the proposed extension would only be to the furthest rear section of either of the adjacent private amenity areas, and therefore would not be harmful enough to warrant a reason for refusal.

It is also acknowledged that the proposal will potentially impact upon the amenities of 'Tamarisk' and 20 Edith Road, to the south. However, while the extension will be visible and result in a slight increase in potential overlooking, it is noted that the building in its current form overlooks, as do a number of surrounding properties given the closely-related nature of the areas development. Given this, the slight increase in overlooking is not considered significantly harmful to warrant refusing the application.

### Other Considerations

Clacton is non-parished so no comments are required.

There have been no other letters of representation received.

## 6. Recommendation

Approval.

## 7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing number 01.

Reason - For the avoidance of doubt and in the interests of proper planning.

## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.